

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 425

Short Title: Clarify DNA Result Would Have Changed Verdict. (Public)

Sponsors: Senators McKissick, Britt, and Daniel (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT FOR A JUDGE TO GRANT POSTCONVICTION DNA TESTING THE JUDGE MUST DETERMINE THAT A FAVORABLE RESULT FROM THE REQUESTED DNA TEST WOULD HAVE REASONABLY LED TO A DIFFERENT VERDICT IN THE DEFENDANT'S CASE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15A-269(b) reads as rewritten:

"(b) The court shall grant the motion for DNA testing and, if testing complies with FBI requirements, the run of any profiles obtained from the testing, upon its determination that:

- (1) The conditions set forth in subdivisions (1), (2), and (3) of subsection (a) of this section have been ~~met~~met.
- (2) If the DNA testing being requested had been conducted on the ~~evidence~~, evidence with favorable results, there exists a reasonable probability that the verdict would have been ~~more favorable to the defendant; and~~different.
- (3) The defendant has signed a sworn affidavit of innocence."

**SECTION 2.** This act is effective when it becomes law.

